

A RESOLUTION

BY TRANSPORTATION COMMITTEE

04 R 2254

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A LEASE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) TO PROVIDE APPROXIMATELY 0.3 ACRES FOR THE OPERATION OF AN AIRPORT SURFACE DETECTION EQUIPMENT MODEL X (ASDE-X) SURFACE MOVEMENT RADAR SITE AND SIX TRANSPONDER MULTILATERATION SENSORS TO BE ERECTED AT THE EXPENSE OF THE FAA AT THE HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, FOR A TERM COMMENCING FEBRUARY 1, 2005, AND ENDING SEPTEMBER 30, 2005, SUBJECT TO CONSECUTIVE AUTOMATIC ANNUAL RENEWALS THEREAFTER UNTIL SEPTEMBER 30, 2024, UNLESS TERMINATED BY THE FAA UPON 30 DAY NOTICE; AND FOR OTHER PURPOSES.

WHEREAS, the Federal Aviation Administration ("FAA") is responsible for providing aircraft separation in specific airfield areas, with controllers determining aircraft location either by looking out the control tower cab windows during good weather conditions or by using a ground radar called Airport Surface Detection Equipment Model 3 ("ASDE-3") that allows them to ascertain aircraft position when weather prevents them from seeing out the control tower cab windows; and

WHEREAS, the FAA desires, at its expense, to upgrade the existing ASDE-3 system to the more advanced Airport Surface Detection Equipment Model X ("ASDE-X") that will be configured in a manner to allow the controllers to monitor more of the airfield during poor visibility conditions, thereby enhancing airfield safety and reducing aircraft and passenger delay during poor visibility conditions; and

WHEREAS, the ASDE-3 is currently located on top of the existing control tower and has no other associated equipment located on the airfield that requires a Lease between the City of Atlanta ("City") and the FAA to support ASDE-3 operation, however, proper operation of the ASDE-X requires the use of a Surface Movement Radar ("SMR") and six remote transponder multilateration units ("RU") sites that need to be leased to the FAA; and

WHEREAS, it is in the best interest of the City to enter into a Lease with the FAA for the SMR and RUs, which collectively comprise the ASDE-X, as hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA that the Mayor or her designee be and hereby is authorized to execute on behalf of the City of Atlanta a Lease with the Federal Aviation Administration which shall contain substantially the following terms, conditions, and provisions:

- 1) A term effective as of February 1, 2005 and ending September 30, 2005, subject to consecutive automatic annual renewals

thereafter until September 30, 2024, unless terminated by the FAA upon 30-day notice; and

- 2) The FAA shall pay to the City no monetary consideration in the form of rental, it being mutually agreed that the rights extended to the FAA are in consideration of the obligations assumed by the FAA in its establishment, operation and maintenance of facilities upon the premises; and
- 3) Such other terms, conditions, and provisions as may be required by FAA and/or the City or as are customarily included in similar agreements at Hartsfield-Jackson.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby directed to prepare said Lease for execution by the Mayor.

BE IT FINALLY RESOLVED that said Lease shall not become binding upon the City of Atlanta, and the City of Atlanta shall incur neither no obligation nor liability thereunder until the same has been signed by the Mayor and delivered to the United States of America.